

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

EXPORT DEVELOPMENT CANADA,)
a Canadian corporation,)
)
 Plaintiff,) Civil No. 08-978-JO
)
)
 v.) O R D E R
)
)
PATTERSON, INC., an Oregon corporation,)
)
)
 Defendant.)

Thomas A. Ped
WILLIAMS KASTNER & GIBBS, PLLC
888 S.W. Fifth Avenue, Suite 600
Portland, OR 97204-2025

Of Attorneys for Plaintiff

JONES, Judge:

On August 20, 2008, plaintiff Export Development Canada filed this action against defendant Patterson, Inc., alleging a claim for breach of a written settlement agreement. The settlement agreement terminated an earlier action in this court, Export Development Canada v. Patterson, Inc., Civil No. 04-620-HU. The agreement required defendant to make certain

installment payments to plaintiff. After defendant failed to make the payments, plaintiff sought to reopen the case to file a Stipulation for Entry of Judgment, but the request was denied. Plaintiff then filed the complaint in the present action. Defendant failed to respond to the complaint, and on October 21, 2008, this court entered an Order of Default and a Default Judgment (## 13, 14) in favor of plaintiff in the amount of \$201,728.30, plus pre- and post-judgment interest, costs, and attorney fees.

The case is now before the court on plaintiff's motion (# 15) for an award of attorney fees and costs. Defendant has not responded to the motion. For the reasons explained below, I award plaintiff \$8,928.50 in attorney fees and \$420.99 in costs.

DISCUSSION

As the prevailing party, plaintiff is entitled to an award of attorney fees and costs under the terms of the settlement agreement. Declaration of Thomas A. Ped, Exhibit A, p. 5, ¶ 19.

Plaintiff seeks recovery of \$6,928.50 for 21.9 hours of attorney time actually incurred, plus \$5,000.00 for anticipated additional time, described as "necessary to review defendant's response, participate in any attorney fee hearing, to finalize the award, and to collect the same from defendant[]." Declaration of Thomas A. Ped, p. 2, ¶ 5. In view of defendant's failure to respond, of those anticipated additional tasks, only potential collection efforts remain relevant.

I have reviewed the lodestar calculation, and find both the time spent and the hourly rates to be reasonable. Accordingly, I award plaintiff the full lodestar amount of \$6,928.50. I find the request for an additional \$5,000.00 to be excessive under the circumstances, and consider an award of \$2,000.00 for collection efforts to be reasonable. Consequently, I award plaintiff the total sum of \$8,928.50 in attorney fees.

Plaintiff also seeks an award of costs in the sum of \$420.99. The requested costs are proper under the applicable law and reasonable, and are allowed.

CONCLUSION

Plaintiff's motion (#15) for an award of attorney fees and costs is granted in the following sums: \$8,928.50 in attorney fees, and \$420.99 in costs.

IT IS SO ORDERED.

DATED this 11th day of December, 2008.

/s/ Robert E. Jones
ROBERT E. JONES
U.S. District Judge